

### **REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. In the Office Action mailed November 30, 2005, the Examiner correctly acknowledges that the non-elected groups II & III, consisting of claims 16-22 had been deemed withdrawn, and thereby claims 1-15 and 23 were still pending.

Further in the Office Action mailed November 30, 2005, claims 1-2, 7, 9-12, 14-15 and 23 have been rejected and claims 3, 8 and 13 have been objected to. In response, the applicant has submitted the following remarks, amended claims 1 and 23, cancelled claims 2,3, and 16-22, and added claim 24. Accordingly, claims 1-15 and 23-24 are now pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

#### **Rejections Under 35 U.S.C. §102**

Claims 1-2, 7, 9-12, 14-15 and 23 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,891,045 to Albrecht et al. (hereinafter Albrecht).

Claims 3, 8 and 13 have been objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims.

In response, the applicant has amended claim 1 to include the limitations of claim 3 and the limitation of the intervening claim 2. Likewise, the applicant has amended claim 23 to include the limitations of claim 8, and the intervening claim 7. Accordingly, the applicant respectfully submits that claims 1 and 23 are allowable over the teachings of Albrecht.

Claims 7, 9-12 and 14-15 are dependent upon the independent claim 1. As discussed above, the independent is allowable over the teachings of Albrecht.

Accordingly, claims 7, 9-12 and 14-15 are also allowable as being dependent upon an allowable base claim. As stated above, claim 2 has been cancelled.

*Rejections Under 35 U.S.C. §103*

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Albrecht in view of a publication entitled "PRINCIPAL COMPONENT ANALYSIS...", authored by Okin et al. (hereinafter Okin). Claims 5 and 6 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Albrecht. Accordingly, claims 5 and 6 are also allowable as being dependent upon an allowable base claim.

*Allowable Subject Matter*

As stated previously, claims 3, 8 and 13 have been objected as being dependent upon a rejected base claim, but would be allowable if re-written in independent form including all the limitation of the base claim and any intervening claims. The limitations of claim 3 have been amended into claim 1, and claim 3 has been cancelled. Claims 8 and 13 are dependent upon the independent claim 1. As discussed above, the independent claim 1 is allowable over the teachings of Albrecht. Accordingly, claims 8 and 13 are also allowable as being dependent upon an allowable base claim.

The applicant respectfully submits that the new claim 24 includes the limitations of claim 1 as well as the limitations of claim 13. For at least these reasons, the independent claim 24 is allowable.

For these reasons, Applicant respectfully submits that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the

15. (Original) A method as set forth in claim 1 and further comprising determining at least one value representing at least one non-amplitude-based morphology feature.

16. (Cancelled)

17. (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Cancelled)

21. (Cancelled)

22. (Cancelled)

23. (Currently Amended) A device for determining alternans data of an ECG signal, the device comprising:

means for determining at least one value representing at least one morphology feature of each beat of the ECG signal;

means for generating a set of data points based on a total quantity of values and a total quantity of beats, the data points each including a first value determined using a first mathematical function and a second value determined using a second mathematical function;

means for separating the data points into a first group of points and a second group of points; and

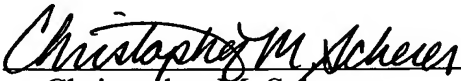
means for generating a feature map by plotting the first group of points and the second group of points in order to assess an alternans pattern of variation.

Application No. 10/825,495  
Amendment Dated December 21, 2005  
Reply to Office Action of November 30, 2005

undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Christopher M. Scherer  
Reg. No. 50,655

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone: (414) 271-7590  
Facsimile: (414) 271-5770